IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.8415-M of 2007
Date of Decision:- 02.04.2007

Rajiv @ Raju ....Petitioner(s)

through
Mr.Krishan Singh, Advocate

vs.

State of Haryana ....Respondent(s)

through
Mr.Tarun Aggarwal, Sr. DAG, Haryana.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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SURYA KANT, J.

The prayer in this petition is to release the petitioner on regular bail in case F.I.R.No.42 dated 6.3.2006 under Sections 394/397 IPC and Sections 25, 54, 59 of the Arms Act registered at Police Station Dhand, District Kaithal.

The petitioner was arrested on 19.3.2006 and is in custody since then.

Meanwhile, during trial, the prosecution has produced Ramesh Kumar-the complainant as its witness (PW-3) who has unfortunately not supported the prosecution case. Some other witnesses are also stated to have not supported the prosecution case. A few more witnesses are yet to be examined.

It is stated by learned State counsel, on instructions from ASI Mahabir Parsad, that no such like other case is pending against the petitioner.

After hearing learned counsel for the parties and having regard to all the attending circumstances especially the period already spent by the

petitioner in custody, but without expressing any views on the merits of the case, lest it should prejudice either of the parties, this petition is allowed. The petitioner is directed to be released on bail to the satisfaction of the Chief Judicial Magistrate, Kaithal.

April 02, 2007 **(SURYA KANT)**
poonam **JUDGE**